

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1277 be amended to read as follows:

- 1           Page 6, between lines 27 and 28, begin a new paragraph and insert:  
2           "SECTION 8. IC 13-18-22-5, AS ADDED BY P.L.282-2003,  
3           SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 5. (a) The rules adopted under section 3 of this  
5           chapter:  
6               (1) must require that the applicant demonstrate, as a prerequisite  
7               to the issuance of the permit, that wetland activity:  
8                   (A) is **without reasonable alternative and is** reasonably  
9                   necessary or appropriate to achieve a legitimate use proposed  
10                  by the applicant on the property on which the wetland is  
11                  located; and  
12                  (B) for a Class III wetland, is without practical alternative and  
13                  will be accompanied by taking steps that are practicable and  
14                  appropriate to minimize potential adverse impacts of the  
15                  discharge on the aquatic ecosystem of the wetland;  
16               (2) except as provided in subsection (c), must establish that  
17               compensatory mitigation will be provided as set forth in section 6  
18               of this chapter to reasonably offset the loss of wetlands allowed  
19               by the permits; and  
20               (3) may prescribe additional conditions that are reasonable and  
21               necessary to carry out the purposes of this chapter.  
22           (b) The rules adopted under section 4 of this chapter must require,  
23           as a prerequisite to the applicability of the general permit by rule to a  
24           specific wetland activity, that the person proposing the discharge

1 submit to the department a notice of intent to be covered by the general  
2 permit by rule that:

3 (1) identifies the wetlands to be affected by the wetland activity;  
4 and

5 (2) except as provided in subsection (c), provides a compensatory  
6 mitigation plan as set forth in section 6 of this chapter to  
7 reasonably offset the loss of wetlands allowed by the general  
8 permit.

9 (c) Under subsections (a) and (b), the rules adopted under sections  
10 3 and 4 of this chapter may provide for exceptions to compensatory  
11 mitigation in specific, limited circumstances.

12 (d) For purposes of subsection (a)(1)(A):

13 (1) a resolution of the executive of the county or municipality in  
14 which the wetland is located; or

15 (2) a permit or other approval from a local government entity  
16 having authority over the proposed use of the property on which  
17 the wetland is located;

18 that includes a specific finding that the wetland activity is reasonably  
19 necessary or appropriate to achieve the intended use of the property is  
20 considered conclusive evidence of that fact."

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1277 as printed January 30, 2004.)

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Representative Pierce